

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J., by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF
EDUCATION, HARRISON COUNTY BOARD
OF EDUCATION, WEST VIRGINIA
SECONDARY SCHOOL ACTIVITIES
COMMISSION, W. CLAYTON BURCH in his
official capacity as State Superintendent, and
DORA STUTLER in her official capacity as
Harrison County Superintendent,

Defendants.

Civil Action No. 2:21-cv-00316

Hon.

PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION

Plaintiff B.P.J., by and through her next friend and mother, Heather Jackson, moves this Court, under Federal Rule of Civil Procedure 65, to preliminarily enjoin Defendants, as well as their officers, employees, agents, attorneys, and any person who is in active concert or participation with any Defendant or under any Defendant's supervision, direction, or control, from enforcing any of the provisions of House Bill 3293 ("H.B. 3293"), codified at W. Va. Code § 18-2-25d, against Plaintiff, and any other law, custom, or policy that precludes Plaintiff's participation on girls' school sports teams in West Virginia. A copy of H.B. 3293 is attached as Exhibit A to the Declaration of Loree Stark which is filed simultaneous with this Motion. Plaintiff also moves this Court for an order waiving the requirement for bond or security.

This Motion is based on the memorandum of law in its support and the declarations filed with it, as well as the Complaint. Plaintiff makes this motion on the ground that H.B. 3293 violates Title IX of the Education Amendments of 1972, 42 U.S.C. § 1983, and the Equal Protection Clause

of the Fourteenth Amendment to the United States Constitution, as set out in the accompanying memorandum of law in support of this Motion.

Dated: May 26, 2021

/s/ Loree Stark

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**Statements of Visiting Attorneys
Forthcoming*

Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I, Loree Stark, do hereby certify that on this 26th day of May, 2021, I electronically filed a true and exact copy of *Plaintiff's Motion for a Preliminary Injunction* with the Clerk of Court and all parties using the CM/ECF System. A copy of this motion will also be served to the Defendants with the Complaint.

/s/ Loree Stark

West Virginia Bar No. 12936